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IN THE

Supreme Court of the United States

OCTOBER TERM, 1977

No. 77-680 (A-492)

WALL STREET TRANSCRIPT CORPORATION and RICHARD A. HOLMAN,

Petitioners,

v.

WAINWRIGHT SECURITIES, INC.,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE SECOND CIRCUIT

APPENDIX TO PETITIONERS' REPLY BRIEF

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Poll Says Individual Shareholders Resent Companies as Well as Distrust Wall Street

By GENE G. MARCIAL OCH Staff Reporter of THE WALL STREET JOURNAL - NEW YORK-If the small investor has been staying away from the stock market over the years, part of the reason is his resentment against the corporation as much as his distrust of Wall Street.

. The reason behind such antagonism seems simple enough: The investor and the corporation haven't been communicating.

That's part of what comes up, at least, in a recent survey of individual investors and corporate executives who expressed their feelings about the problem. The survey was conducted jointly by Georgeson & Co. and Lind Brothers. Georgeson is a New Yorkbased investor-relations firm providing long-range-information programs on behalf of corporate clients, and Lind Brothers, also based in New York, is a major producer of annual reports. 7.

"Individual investors have latent loyalty toward corporations they invest in, but they have grown wary and weary of the apparent lack of interest in their own plight from all sectors," says Winthrop C. Nellson, a part-

Reluctant to Court
On the other hand, corporations, although vitally interested in having the individual as an investor, "seem reluctant to court him through more creative concepts or consistent communications, apparently because they; are perplexed on , where to begin and are leery of investors' reactions," says. Mr. Nellson. & Zui

The survey, say Mr. Neilson and George Lind, president of Lind Brothers, is the first about the collective attitudes of corporate officers toward individual investors. The survey also queried stockholders about the attitudes toward the corporation. Responses were provided by 504 individual investors and 526 corporate executives.

. Mr. Nellson says three basic characteristics are apparent in the average individual stockholder. He exhibits "deep-rooted distrust for the workings of the stock market, a strong sense of practicality and an untapped loyalty towards the companies in which he

invests."
The survey shows how disheartened and puzzled the small investor is, says Mr. Neilson, resulting in fewer individual participants in the stock market. Apparently, those who remain search for guidance and find little," he adds. Many of them believe they are handicapped by a lack of access to timely investment information, says Mr. Nellson.

Individual Stockholders Down

New York Stock Exchange figures show that only about 25 million individuals own stocks, down from about 31 million in 1970. Last year, financial institutions and intermediaries accounted for 70.3% of the value of all shares traded on the Big Board and individuals accounted for only 29.7%.

The Georgeson-Lind survey discloses that individual stockholders blame market fluctuations or violent swings on "the disruptive" influence of institutions, which they believe favor only a few corporations. The investors also think the corporations not only favor the institutions as investors but also seek them out by offering preferential treatment.

"A common investor complaint is that

"A common investor complaint is that the financial community is receiving inside information, presumably to act in its own interests before passing the data on to clients," says Mr. Neilson. The brokerage community, he adds, is blamed for failing to provide any special services to assist the small investor. "Poor service and high commission rates are frequently cited" by the investors, Mr. Neilson says.

Investors, the survey shows, believe the corporations' efforts to disseminate information are directed more toward the financial community. Only 6% of the individuals surveyed feel corporations provide them with better information than professional brokers. Some survey respondents believe executives earn too much money, with bonus payments cited often.

However, the individual investors appear worried about the antibusiness sentiment they believe is prevalent in the nation, and they indicate it's one cause of the stock market's poor behavior. Investors believe business should do a better job of counteracting the trend.

The survey also touched on investor sentiment against the government for restrictions on business while, they say, other segments of the economy seem to be favored by legislators and regulatory agencies. The investors cite "unfair" taxes and lack of Securities and Exchange Commission interest in the individual investor's plight. More than 90% believe they don't have any friends in Washington, and even the Federal Reserve Board is criticized by several stockholders.

stockholders.

Mr. Neilson says the investors showed their "practicality" by recognizing in their responses that "objective and timely information" is the lifeblood of prudent investing. The investors believe the financial press is the quickest source for this information, rather than brokers or corporations.

The corporations, responding to this question, assert that news stories are often superficial, prejudiced or incomplete, although they say that time and space restrictions, in many instances, could be at fault. The individual investors, however, believe they aren't getting the information they need elsewhere and turn to the press, which they believe is the most unbiased and immediate source of information. Furthermore, the investors perceive the media as having no special interests to satisfy.

Shareholders believe the information they receive from corporations isn't timely and is often difficult to understand. By default, the press fills that gap, the shareholders say.

Excerpts From "Public Policy for American Capital Markets"

Issued by the Treasury Dept., February 1974.
Prepared by James H. Lorie, Professor of
Business Administration, University of Chicago.

"I. INTRODUCTION

American capital markets are of great importance to the vitality of the American economy. Efficient and equitable markets encourage the flow of individual and institutional savings to American corporations, thereby reducing their cost of capital and providing profitable opportunities for investors. Some informed observers feel that the relative vitality of the American economy throughout its history has been fostered to an important degree by our system of capital markets.

The characteristics of the American capital markets which have produced these results are numerous, but among the more important are the fact that investors feel that they can buy at the lowest available price and sell at the highest available and the fact that the generation and flow of relevant information is relatively rapid, accurate, and complete.

Recently, according to many observers, including prominent members of both houses of Congress, American capital markets have been in disarray. Evidence of this disarray consists of reduced public confidence in American markets, as indicated by the first decline in many years in the number of Americans investing directly in common stocks,¹ the failure of many brokerage firms, and the fragmentation of markets. The loss of public confidence in our securities markets can be directly attributed to the relatively low

returns on equity investments in recent years and to the feeling that institutions have an advantage over individual investors." (Page 1).

"II. OBJECTIVES OF PUBLIC POLICY

The general objective of public policy is to have markets that operate fairly and efficiently. Fairness and efficiency lead to confidence on the part of the investing public that returns will be reasonably related to risks, that the institutions through which they deal have financial integrity, and that the individual investor is not at a serious disadvantage compared with the institutional investor." (Page 3).

"Public policy must strive to create conditions which result in the equitable treatment of individual investors as compared with institutional investors." (Page 5).

"IV. SUMMARY AND CONCLUSIONS

... The overriding objective of public policy is to make our capital markets function more equitably and efficiently so as to reduce the cost of capital for American enterprise and increase the likelihood that capital will be channeled into its most productive uses. This objective can be fostered by insuring that our securities markets operate to achieve maximum efficiency in determining prices of securities and in effecting the transfer of ownership of securities. Moreover, attainment of this public policy objective requires the achievement of equity in relationships between investors and their financial agents, as well as between individual investors and institutional investors." (Page 19).

Department of the TREASURY

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ADVANCE FOR RELEASE MONDAY, NOVEMBER 21, 1977 1:00 P.M. E.S.T.

REMARKS BY THE
SECRETARY OF THE TREASURY
THE HONORABLE W. MICHAEL BLUMENTHAL
BEFORE
THE BOND CLUB OF NEW YORK, INCORPORATED
NOVEMBER 21, 1977

It's good to be here today -- to discuss a problem that concerns us greatly in Washington -- the weak condition of our equities markets.

We're not dealing here with merely a Wall Street problem. The ability of American companies to raise equity capital -- to expand without adding to debt burdens -- is a key requirement for a sustained, non-inflationary economic expansion. The health of the economy -- and our economic future -- depends on it.

The issue is now to provide more equity capital. For it is equity capital which will help generate new products, new plant and equipment, new jobs and, ultimately, a better quality of life for all Americans.

Ironically, the weakness of equity markets comes at a time when our capital markets, as a whole, are the envy of the world. In 1976, they provided a total of \$236.5 billion in net new long-term funds for public and private purposes -- compared to \$142 billion raised in 1972.

This size is unmatched by any other country, not to mention the depth, flexibility and openness of our capital markets. No other country can raise and allocate large amounts of capital with less government interference. And no other country can direct capital more effectively to where it is needed.

Indeed, the other major segments of our capital markets -for government securities, corporate bonds, and mortgage credit
-- are relatively healthy and performing well.

During 1977, for example, the Federal Government expects to issue more than \$50 billion of securities, excluding rollovers. State and local governments will increase their outstanding long-term debt by \$24 billion. In the case of municipal issuers, that represents a 28 percent increase over 1976.

The corporate bond markets have provided \$30 billion in new funds through long-term debt securities this year. At the same time interest rates in this sector remained nearly flat. The rates of AA-rated industrials were 7.97 percent at the beginning of this year, and are only slightly higher now at 8.05 percent.

We find the same impressive performance in the mortgage markets which have financed near record levels of housing starts — a key to our economic expansion. Despite this rapid growth, mortgage rates have remained stable, and funds have been plentiful.

Yet while these segments of our capital markets -- primarily involving debt securities -- have done relatively well, our equity markets have been languishing.

The Dow Jones Industrial Average has dropped nearly 200 points this year, to about the same level it was in 1964 -- without adjusting for inflation. This represents a dramatic erosion of the equity values of recent years.

With that erosion in values, it is small wonder that individual investors have left the market in droves. The number of individual shareholders dropped from 31 million in 1970 to less than 25 million recently.

Many individuals have found other investments with better safety of principal and after-tax returns -- for example, corporate bonds -- and an increasing amount of individual savings is finding its way into pension funds and other institutions. Probably adding to this disenchantment is a feeling by individuals that they cannot compete with institutional investors.

Moreover, not only individuals have shifted away from common stocks. Private pension funds, for example, with now over \$100 billion in common stocks, have been placing a larger share of new investment in fixed-income securities. Common stocks held by pension funds have declined from 70.8 percent of their total assets in 1972 to 64.6 percent in 1976.

This is a serious development, because pension funds and other institutional investors have become the mainstays of the equity markets. In 1976, institutions accounted for 70 percent of the value of all New York Stock Exchange public trading.

These developments in the equity markets are having a profound and worrisome effect on new issues.

The amount of public offerings of newly-issued equity securities has fallen dramatically since the late 1960's. From 1968 through 1972, industrial firms raised an annual average of \$7.4 billion in common stock offerings. Since 1973, such common stock offerings have averaged only \$2.6 billion per year.

Only the higher quality, well-capitalized companies have enjoyed access to the equity markets in recent years. The problem is even more serious for companies seeking to sell equity to the public for the first time. During the first six months of 1977, initial common stock offerings by these companies totaled only \$230 million, compared to \$3.3 billion in 1972.

The result has been a dramatic -- and disturbing -- rise in the percentage of debt in the capital structure of American manufacturers -- from 51 percent in 1958 to over 86 percent in 1976.

This means that many companies cannot raise additional debt unless their equity base expands. If they are mature and blessed with adequate cash flow, they can expand their equity with retained earnings. But for younger, growing firms that need expansion capital so badly, the unavailability of equity sets in motion a vicious cycle:

Without new equity capital they cannot grow -- without growth they cannot increase their earnings -- and without earnings they cannot raise new debt or external equity.

Data from the SEC show this situation starkly. Registered securities offerings by smaller companies — those with assets of less than \$5 million — have dropped from a high of 698 in a single year, 1969, to only 41 in the three years of 1974 through 1976.

If the markets do not have new capital for these smaller companies, where can they turn? They will fail, or grow too slowly, or turn to larger companies to be acquired.

That kind of pressure for more concentration is not, in my view, a healthy trend. It enhances the danger that we are stifling the kind of innovation and new development which smaller enterprises typically engender.

This risk is a severe drag on American technological advancement, on productivity and competitiveness. A significant number of new products and other technological advances are made by individual inventors or small businesses — enough so that restricting their flow of capital could foreclose important breakthroughs that lie ahead. Among these companies starved for capital today could be another Xerox, Polaroid or IBM.

So the problems and possible consequences of the weak condition of the equity markets are serious and merit the immediate attention of this Administration. And as we look at the problem, three underlying causes appear paramount.

The first -- and most important -- is inflation. The investment community recognizes that inflation breeds recession

-- that the reaction of business to prospects of accelerating inflation is to limit expansion and to curtail outlays, rather than trying to beat the price rise. We all have learned that inflation is not good for stock prices.

The second is low profits. The investment community has not been deceived by the reports of soaring profits. We have all long since learned that profits reported by conventional methods disregard the true costs of replacing the capital and inventories used in the conduct of business.

When earnings are adjusted for inflation, they show that profits have not soared. Indeed, they have not even kept pace with the growth of real GNP. Since the mid 1960's, real GNP has grown by over a third, while profits adjusted for inflation have risen by only a fifth.

A third cause has been the economic impact of the quintupling of the price of oil since 1973. This has adversely affected economic growth, inflation, unemployment rates and corporate profits.

There are other negative factors affecting our equity markets, as well. One of them -- and its impact is hard to gauge -- is the strain on the securities industry itself. The industry has been affected recently by some fundamental changes, particularly the growing institutionalization of the markets and the elimination of fixed brokerage commissions in May, 1975.

Because of these economic and regulatory changes, this industry has faced some painful adjustments. Institutional brokerage, at one time a financial mainstay, has become increasingly unprofitable. The industry has responded creatively, developing new products and new profit centers, such as options.

But those new endeavors carry their own regulatory and financial problems. This is a capital intensive industry, and those who do not have access to capital are not surviving. Not all have that access, and events in recent years have not encouraged new entrants. The number of NYSE member firms doing business with the public fell from 476 at the beginning of 1973, to 371 at the end of June of this year.

Related to the problem of the declining number of individual investors, the number of full-time registered representatives of New York Stock Exchange member firms decreased from 40,000 in 1972 to 36,000 in 1976. As the industry contracts, its efforts to attract new investors and to hold old ones also contract.

Uncertainty about the outcome of the SEC proceeding on Rule 390 may also be having an important effect. Some firms, those

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that believe off-board trading is likely, are moving to acquire other firms with retail-order flow to improve their competitiveness. Others, uncertain of the effect on them of possible changes, are becoming more conservative about committing their capital -- or are seeking mergers with other firms.

The SEC has done a fine job in maintaining public confidence in the integrity of our markets. I have discussed the Rule 390 proceeding with Chairman Williams, and I am confident that the Commission will deal responsibly with this complex problem. The Treasury has already stressed to the Commission the importance of gradual changes in this area to minimize uncertainty and the danger of disruption.

I am certain that the Commission will not ignore the obvious risks of removal of restrictions on off-board trading before appropriate modifications to the present system are in place. I am also gratified that the leaders of the securities industry are already taking steps toward the development of an effective national market system as mandated by the 1975 amendments to the securities laws.

There are other concerns that no doubt have contributed to the weakness in our equity markets, but these would fade in importance once we begin to rebuild public and business confidence in our future economic performance.

If the future is perceived as a continuation of slow growth, night unemployment, and high inflation in the years ahead, the equity markets will continue to languish. If, however, the future promises improvements, the markets can and will recover.

Providing those improvements -- improvements that will lift all sectors of our economy to higher ground -- is the central task of this Administration's economic policies.

I am here to tell you today that we are aware of this task, and that we intend to carry it out in the months ahead. The job will not be easy. As Mayor LaGuardia used to say, it calls for "patience and fortitude."

Basic, long-term predictable and consistent policies will be needed. The emphasis, above all, must and will be on the private sector, on the market mechanism, and on reliance on the genius of the free enterprise system.

Unemployment, inflation, lagging investment and productivity, low profits, a languishing stock market -- all these cannot be solved by massive government programs, by spending our way out of deep troughs, or by clamping down on private businesses with new restrictions or edicts. So we will do our job and rely on American industry and on all of you here to do yours.

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The problems will begin to be solved only when business executives, singly and collectively, decide that the best course toward profitability is through expansion. Then the building blocks of investment and risk-taking decisions -- decisions that take place tens of thousands of times every day in executive offices throughout the country -- begin to add up to a solid structure of new business activity.

That's a basic reality. And that's why we will rely on a steady, prudent set of policies for lasting economic results, fully aware that the really big problems take time to solve.

The essential first step is to spell out in full detail a cogent, comprehensive economic strategy -- where the sum of our policies promotes a sustained, noninflationary expansion.

As the energy plan and Social Security bills emerge from Congress, and we make final tax and budget decisions in January, the shape of our economic policy for the years ahead will be clear.

The fundamental element in our strategy is the private sector. Four out of five jobs in America are private jobs. While government can provide temporary work for the disadvantaged and for millions of new job-seekers entering the labor force each year, the real opportunity for lasting, meaningful jobs is in the private sector.

*For the jobs to be there requires investment and risk capital -- much more than is available today for American business.

We must expect to provide greater incentives for investment and business risk-taking, principally by adjusting our tax structure.

The forthcoming tax proposals will contain incentives for capital formation, both for corporations and individuals. We fully understand the important role that preferential tax rates for capital gains have played in encouraging capital formation -- especially for venture capital and new businesses. We will, of course, take this into account in designing reforms to reduce or eliminate unjustified tax preferences.

The tax proposals will also take into account the ultimate shape of the energy program and the Social Security tax increases already scheduled and those now under consideration in the Congress, to ensure that these measures do not amount to a drag on the economy.

We must scale down the increasing bite that Federal income taxes take from the incomes of American workers. The average

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share is now 13 percent and rising, as inflation pushes incomes into higher marginal tax rates. It had traditionally been 10 to 12 percent, and we should aim for a return to that level.

We will also continue our fight against inflation, building on the success made this year in moderating price increases. That ties in closely with an economic expansion fueled by greater productivity and disciplined public spending.

For example, we must control Federal spending to allow the budget to move into balance as unemployment and growth reach acceptable levels. Federal deficits are neither necessary nor desirable in an economy making full use of its resources.

As a rule of thumb, we should not allow the percentage of GNP by Federal spending to exceed 21 percent in the long run. That's about where it was over the past decade, but it has risen in recent years.

Finally, this Administration recognizes that it is important to devote more attention to our capital markets as s cn. In the Treasury, we have taken steps to do just that, including the creation of a new Deputy Assistant Secretary whose functions are concentrated in capital markets problems.

For too long, capital market questions have been viewed principally through the eyes of regulators. We are trying to look at all parts of our capital markets in relation to each other so that the Administration can help ensure the proper functioning of this vital part of our economy.

What is needed, then, is for all of us to work together. Let us not forget that ours is the strongest and the most productive economy in the world.

With sound government policies, with a confident business sector, and with the strong and innovative capital markets which you represent, the future is indeed bright.

I hope that you will all give us the benefit of your experience and judgment, so that together we can transform this bright promise into the reality of a better future for all of us.

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H.C. WAINWRIGHT & CO.

SPECIAL REPORT

EARNINGS ESTIMATE REVISION HERBICIDE SITUATION

April 28, 1976

MONSANTO COMPANY (MTC)

		* *	
Earnings (Years ending Dec. 31)(a)		•	
Actual 1974 \$ 9.25	per share	Recent price	92
Actual 1975 8.63		1976 Range to date	98-76
Estimated 1976 11.80	per share	P-E based on 1976 estimate	
	per share	Yield	3.0%

(a) Primary. Fully-diluted earnings are: 1974 - \$8.73; 1975 - \$8.22; and 1976 - \$11.15.

As had been rumored for the past few weeks, stronger than originally anticipated comparisons in non-agricultural lines gave Monsanto earnings of \$4.40 per share in its seasonal peak first quarter, versus \$2.79 in the corresponding 1975 inverval. This compares with the writer's recent expectation for results of about \$3.80 and an original estimate of \$3.40. Because the source of the variance in profits for this period lies mainly in the plastics and fibers areas, which are not subject to the extreme seasonality that characterizes the farm chemicals business, the implications for year-to-year profit increases in subsequent quarters also appear more favorable than had been forecasted earlier. Accordingly — and despite the likelihood of at least modestly negative comparisons in ag chemical results over the near term — the writer has increased his full year 1976 estimate from \$10.00 per share (primary) to \$11.80. The projection continues to allow for a sloughing off in the rate of sales and earnings improvement in the second half, in line with H. C. Wainwright's expectations for trends in economic activity.

In 1977, a possible industrywide carryover of herbicide inventories at the distributor/dealer level could lead to unaccustomed competitive pressures on this major source of Monsanto's earnings. But such a development is quite speculative at this point and, in Monsanto's case anyway, the company has a material potential offset in its new preplant or post-harvest herbicide, "Roundup," which should be swinging into substantial black figures next year. On balance, it is likely that a much more potent influence on company results in 1977 will be the trend and level of economic activity and its impact on the non-ag sectors of the business.

Current Operations

Sales in the first quarter rose 29% from 1975's \$913 million to more than \$1.17 billion. Monsanto does not have an overall selling price index but, based on indexes for the Textile,

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April 28, 1976

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Polymers & Petrochemicals and Industrial Chemicals groups, it appears that companywide realizations have improved 2%-3% since the end of 1975 — and possibly 6%-8% on a year-to-year basis. Physical volume, then, may have risen some 21% from the initial period of last year.

Pretax operating income was \$272 million, up 62% from the previous record first quarter high of \$168 million in 1975. Of this year-to-year gain of \$104 million, Monsanto Textiles Company contributed one of the largest shares, having swung from an ultra-depressed \$31 million deficit in the initial period of 1975 (the nadir of the textile recession) to an \$11 million profit in the quarter just ended. An advance of equal magnitude was reported by the Polymers & Petrochemicals Company (plastic resins, mainly), where deflated year-earlier results helped produce an upswing of \$42 million. All other non-ag divisions combined showed only a small year-to-year improvement, partly in light of the continuing losses being absorbed in certain Commercial Products operations (the Cycle-Safe bottle).

Monsanto Agricultural Products Company, as had been expected, registered a modest earnings improvement, with lower fertilizer results offsetting part of a "greater-than-10%" increase in herbicides operating income. First-quarter per share net broke down roughly as follows:

	First	First-Quarter E.P.S. (a)		
	1975	1976	% Change	
Agricultural	\$2.16	\$2.41	*+12%	
Textile	(0.45)	0.18	-	
Polymers & Petro.	0.06	0.78	N.M.	
All other	1.02	1.03	+1	
Total	\$2.79	\$4.40	+58	

Based on writer's estimates of tax rates by individual segment.

1976 Prospects

As indicated earlier, the fact that the non-ag portion of Monsanto contributed most to the superlative first-quarter performance augurs favorably for the near-term profit trend. This is the case not only because the non-farm chemical lines are less seasonal (and thus a strong first-quarter has greater forecasting value) but also because the Agricultural Company seems likely to show a decline in both sales and earnings in the second quarter and fairly flat results in the seasonally less significant second half.

Though the ag business will be discussed in more detail in a later section of this report, it should be noted here that this division's second quarter will bear the dual burden of comparison with a far healthier year-ago environment for nitrogen fertilizer, as well as the delayed effect of last December's early shipment program for herbicides which "borrowed" 22e per share of earnings from 1976 – in effect, all from the second quarter. Though some observers believe ammonia-based fertilizer prices will soon begin to firm, ample down-the-pipeline inventories have pressured realizations to a level down some 25%, year-to-year, and probably not too much of this shortfall can be made up in the brief remainder of the spring

^() Denotes deficit.

N.M. Not meaningful.

shipping season. From a corporate point of view, Monsanto has been able to offset some of the impact of reduced ammonia prices by diverting more of this material to the production of fiber intermediates, but from the standpoint of the Ag Company bottom line, all such a policy does is add the effect of lowered volume to that of cut prices. Thus, overall ag earnings should drop at least modestly - and perhaps by as much as 30e-40e per share - from the record \$1.12 earned in this sector in 1975's second quarter, when fertilizer profits were optimum and herbicides reflected a normal volume of late-season deliveries.

As may be agreed by long-time observers of Monsanto, the forecasting of the company's earnings at or near cyclical turning points presents some challenge. With pretax (non-ag) operating margins of only 11% even under 1974's preternaturally sanguine conditions, Monsanto has considerable sensitivity to swings in demand. Right now, of course, the swing is strongly upward and the challenge to analysts is to keep up with the bottom-line impact of favorable conditions without succumbing to the temptation to engage in a little straight-line extrapolation. Though the timing is hard to pinpoint, there are signs pointing to a rebirth of more rapid inflation in industrial prices (and costs), and some slackening in the rate of gain in corporate unit volume and profits, probably beginning in the second half. If events develop along these lines, Monsanto can be expected, as always, to be a bellweather of change in the economic climate.

Under such a set of circumstances, at least one important segment of the company may have already seen its peak demand months; synthetic fibers customarily lead changes in the general economy by up to a year. Considering also that the first quarter of 1975 was by far the low of the past cycle (for non-ag businesses) and that subsequent quarterly comparisons will become much less easy, there are grounds for expecting progressively less robust earnings increases from this point on - for both non-farm chemical lines and Monsanto overall - with some possibility of a year-to-year decline in results in the fourth quarter.

These basic assumptions underlie the writer's 1976 projections as presented in the following table.

(See table on following page)

Noteworthy in the preceding estimates is the probable offsetting effect of sharp increases in interest expense and the depreciation accrual (after eight years of near-stability at the \$175 million level*) on the one hand and a material drop in the tax rate on the other. Reflecting a major increase in project completions, the investment tax credit is projected to jump from 1975's \$22 million to about \$40 million this year — an increase equivalent to approximately 2.7% on the tax rate, or 52e per share.

The Herbicide Situation

There is a certain irony in the current widespread concern over the prospects for herbicide profits since the degree of any anxiety on this score is inevitably proportional to the tremendous success of this line for most producers in recent years. This is nowhere more true than in the case of Monsanto, the greater part of whose huge ag chemical earnings is derived from corm/soybean herbicides. The data below provides some perspective on the significance of farm chemicals in general not only to total company profits but to its capital generating capability as well.

Monsanto Agricultural Products Company (In millions)

	1971	1972	1973	1974	1975	Compound Annual Growth
Sales	\$200	\$222	\$283	\$411	\$547	28.5%
Operating income	68	81	122	202	273	41.5
Margin	34.1%	36.4%	42.9%	49.3%	49.8%	
Operating income as % of MTC	38%	37%	30%	37%	50%	
Agricultural						
Estimated net income	\$ 40	5 49	\$ 70	\$ 114	\$ 153	
Capital expenditures	8	15	12	20	90	
Rest of MTC						
Esturated net income	\$ 54	\$ 73	\$168	\$209	\$153	
Capital expenditures	197	153	193	293	438	

The writer estimates that, but for the ag contribution to net cash generation, Monsanto would have had to increase by roughly \$175 million the \$227 million it has borrowed (net) over the past five years.

The next table attempts to draw a bead more narrowly on the relative importance of the corn/soybean herbicides ("Lasso" and "Ramrod") within the Agricultural Products Company's total business.

(See table on following page)

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April 28, 1976

Agricultural Chemicals 1975 (In millions)

	Se	les	Oper.	Margin	
Total	\$547	100%	\$273	100%	49.8%
Lasso/Ramrod	280	51	174	64	62
Other herbicides	97	18	48	18	50
Other pesticides	40	8	20	7	50
Fertilizers	100	18	25	9	25
Feed supplements, etc.	30	5	6	2	20

Source: Writer's estimates for individual lines.

In anticipation of the expiration of the "Ramrod" patent last December, Monsanto had been steadily de-emphasizing the product, putting its push behind the newer (and more broadly effective) "Lasso." As a result, the latter accounted for by far the larger portion of the \$280-odd million of sales of the corn/soybean herbicides. By itself, then, "Lasso" is more important to Monsanto's bottom line than the entire Polymers & Petrochemicals group or the Textiles Company in its best year of the past five for which such figures are available.

Data such as these give point, if not poignancy, to the investor concern aroused by the termination this season of the tight supply conditions that had prevailed in the past few years and the resultant dilatory attitude of farmers toward buying their herbicide requirements. In its final survey of April 1, the Department of Agriculture discovered a further slight increase in farmers' planting intentions for com (by far the most important crop use of herbicides); growers apparently plan to devote 82.7 million acres to this grain, up 6.2% from last year. However, while farmers are now said to be ordering heavily — and there seems to be no doubt that the economics of applying weed control chemicals are as favorable as ever (a 3- or 4-to-1 payback) — Monsanto's surveys show that as of the week of April 12, farmers had taken only 50% of their requirements versus over 80% at the same date in 1975. With the third week in April looming as the planting deadline in much of the Corn Belt — and a couple of weeks thereafter the latest date for application of pre-emergent herbicides — the question arises as to whether the distribution system can deliver all the product demanded in the time available. Equally at issue is the degree to which that demand will exceed last year's ex any delivery problem.

In general, like questions can be raised in the case of the soybean crop, but here the planting deadline is more distant — about mid-May — so that growers will presumably have the benefit of the herbicide availability experience for com as a guide to the timing of their own orders. Here, though, the April 1 Department of Agriculture survey continued to indicate that acreage will show a drop on the order of 10%.

On the supply side, of course, there has been a major expansion in the capacity of herbicide producers. And because of the shortages that resulted in some lost business in each of the past two seasons, the buying pressure from distributors and dealers in advance of the present season resulted in much of this new capacity being utilized. Unfortunately, statistics are very scanty, but this observer believes that most producers have increased capacity between 25% and 50% in the past two years. (The first phase of Monsanto's 50% expansion in "Lasso" capacity came on stream in advance of the 1975 season, and the larger, second phase is

^{*}The accrual was beginning to rise in the early 1970's when management opted to switch to the straight-line method for financial reporting purposes.

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scheduled for third-quarter 1976 completion.) And at least two of the leading manufacturers — Monsanto and Stauffer — were operating "flat out" going into this spring. This is against the background of a market that, at best, has had about a 15% growth rate.

Accordingly, whether or not all of the herbicide demanded by corn growers can physically be delivered in time, there is considerable doubt as to size of the probable carryover of inventories (at the distributor and dealer levels, primarily) at the close of the current season in June. Because the success of 1976 for the manufacturers was an accomplished fact in advance of this season, downstream inventories are largely a problem for next year.

Of course, there is room for substantial variation in the results of individual companies. Most expect to do better than the industry. In Monsanto's case, such an expectation at least has the support of a record of increasing market penetration to date. By its own account, the company's share of the herbicide-treated acreage planted to corn and soybeans has grown as follows (the 1976 estimates are those of the writer):

Com/Soybean Herbicide Market & Monsanto Share (Acres in millions)

1973	1974	1975	Estimated 1976
71.9	77.8	77.9	81 approx.
62.6	68.5	68.6	72
87%	88%	88%	89%
44.4	50.7	51.5	55
71%	74%	75%	76%
20.7	22.6	24.0	26
33%	33%	35%	36%
56.7	53.6	54.6	50 approx.
46 5	45.0	47.0	43
32%	347	36%	86%
28.4	27.5	29.1	27
61%	61%	62%	63%
10.2	10.8	14.1	14
22%	24%	30%	32%
	71.9 62.6 87% 44.4 71% 20.7 33% 56.7 46.5 32% 28.4 61% 10.2	71.9 77.8 62.6 68.5 87% 88% 44.4 50.7 71% 74% 20.7 22.6 33% 33% 56.7 53.6 46.5 45.0 32% 34% 28.4 27.5 61% 61% 10.2 10.8	71.9 77.8 77.9 62.6 68.5 68.6 87% 88% 88% 44.4 50.7 51.5 71% 74% 75% 20.7 22.6 24.0 33% 33% 35% 56.7 53.6 54.6 46.5 45.0 47.0 32% 34% 36% 28.4 27.5 29.1 61% 61% 62% 10.2 10.8 14.1

Two factors should be borne in mind in appraising the statistics in the preceding table. First, Monsanto's "share" is a fairly accurate measure of the acres treated with "Lasso" or "Ramrod" but, of necessity, there is no attempt to adjust the percentage for the very great extent to which these materials are applied by farmers in combination with competitors' products to give protection against a broader spectrum of weed types. Thus, comparable

percentages for all herbicide producers would add to a total very much in excess of 100%. Secondly, the growth in the broadcast application method (i.e., covering the entire field) is important in that it requires two to three times as much herbicide as does banding (spraying only the crop rows).

The writer's own belief is that farmers' demand for Monsanto's com/soybean herbicides will be up sharply this season, but that delivery problems in the time available will result in some lost business. Obviously, no one can be sure of the accuracy of judgments of this type, but for the purposes of the figures used in arriving at our estimate of Monsanto's 1976 ag earnings, the company's sales of "Lasso"/"Ramrod" to distributors and dealers were put at a level 15% above 1975. Dollar sales and physical shipments of these herbicides will show the same percentage change this year, as the last price increase took place in 1974, (Monsanto having opted not to participate in a second round of industry price hikes last summer). At the same time, the writer believes there to be a real risk — perhaps an odds-on one — that dealers' deliveries to farmers will fail to match the 15% increase in their purchases from Monsanto.

1977 Prospects

Agricultural. As indicated earlier, any inventory carryover from this spring will be predominantly a 1977 problem for the manufacturers. Monsanto estimates that the carryover of corn/soybean herbicides will be 15%-20% (of prior-season requirements) versus 13% at the end of the 1975 crop year and a smaller percentage in 1974. Whether a carryover, of, say, 20% would be sufficient to induce a proliferation of discounting, special promotions, etc., at the manufacturers' level next winter is a matter of speculation. There has not been a comparable set of circumstances in recent years, and it has been something of an article of faith that the proprietary nature of the products was proof against the kind of price deals that regularly afflict commodity plastics and fibers, for example. In this observer's opinion, there is nothing inherent in a proprietary herbicide that would shield it from price competition if there are at least several products of acceptable efficacy available to the market (as there are) and they collectively come into oversupply (which they may). Definitive information as to the size of the carryover will not become known until after Monsanto conducts its August survey of stocks in the hands of dealers and farmers, but if their inventories do wind up the season at burdensome levels, the fact is likely to become rather quickly known throughout the industry by June or July. It will be something to monitor.

The extent to which competitiveness in pricing may develop next season will also be a function of the trend in demand in the 1977 crop year. Monsanto itself concedes that some of the several growth factors are close to playing themselves out. Relatively little new acreage can be added to the aggregate already devoted to the key herbicide-using crops — crm. soybean and cotton. Similarly, the percentage of planted acreage treated with weed control

[&]quot;As a sidelight of this subject, 1977 will be the first commercial marketing year for "Prowl," American Cyanamid's new pre-emergent soybean herbicide. Preliminary indications are that "Prowl" has no great competitive edge, which may heighten the risk of a "price" approach to marketing.

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chemicals is probably approaching a practical high near 90%. There probably is some further "mileage" in the switch from banding to broadcast application. And from Monsanto's standpoint, at least, there is some added potential for wider use of "Lasso," which is most effective against grassy-type weeds, in combination with broadleaf-type herbicides that are currently being applied alone by some farmers. The company estimates that about half of the treated com/soybean acreage is not being treated with grassy-type herbicides.

Even so, growth in overall domestic demand for corn/soybean herbicides is seen (by Monsanto and this observer) as receding to perhaps a 5% pace within the next couple of years. Faster growth is possible in foreign markets but these have yet to prove important for "Lasso"-type products.

The company expects that beyond this year, the slack in its ag chemical growth will be taken up by rapidly expanding sales of some of its other products. These include such items as "Machete," a rice herbicide; "Avadex," a product against wild oats in wheat regions; and "Polaris," the growth regulator developed for sugar cane.

But much more important is "Roundup," the company's first — and assertedly the industry's first effective — non-persistent herbicide for control of perennial weeds such as Johnson grass and quack grass. Many of these weeds have proved highly resistant to earlier products of other manufacturers, but proper application of "Roundup" (either before planting or after harvest) has been found to effectively destroy the entire root system of such weeds, yet with the herbicide becoming inactivated on contact with the soil and thus posing no threat to the subsequent crop or the environment.

The first year of commercial sales of "Roundup" was 1975, and some of the vital statistics of the herbicide are as yet indeterminable; for example, it is said to be so effective that it may possibly require only biennial or triennial application. Such considerations, as well as the breadth of its ultimate crop clearances, obviously affect the projectable size and growth of its market. Even so, Monsanto believes that "Roundup" can eventually exceed the size of "Lasso," especially as, unlike "Lasso" it has large potential markets abroad. (In fact, its initial applications have been in Malaysia in rubber and palm plantations.)

Management estimates that sales will reach the vicinity of \$30 million this year, up from \$10 million in 1975, with a further impressive, if smaller, percentage increase likely in 1977. During 1976, little, if any, of the expansion in "Roundup" volume is believed likely to carry down to the bottom line, since the Ag Products Company is expending many profit dollars on sampling and other marketing costs. Thereafter, however, the company believes that there is no reason to expect that margins on "Roundup" will differ from the kind of spreads associated with other proprietaries such as "Lasso."

It is obviously early to attempt a projection of Monsanto's farm chemical profits in 1977. But it is apparent, on looking around the industry, that there are few, if any, rivals who have major new products coming along in time to hold promise of constituting material offsets to the possible development of growth and pricing problems in the pre-emergent corn/soybean herbicide sector. Assuming (a) a recovery in ammonia pricing to a level intermediate between the spring 1975 highs and current realizations; (b) an increase of only 5%, say, in the ongoing income from established herbicides and other non-fertilizer products; and (c) a positive swing of \$25 million in the operating contribution of "Roundup," Monsanto's 1977 ag results would fall in a range of \$4.75-\$5.00 per share, versus the 1976 estimate of \$4.35.

Adopting a more pessimistic scenario — which could prove justified — Ag earnings of \$4,00-\$4.25 per share would follow from the premise of (a) no recovery in ammonia prices; (b) a 15% drop in "Lasso"/"Ramrod" profits; (c) a 5% gain in other non-fertilizer ag products; and (d) a \$15 million positive swing from "Roundup." Such a contraction in corn/soybean herbicide results would probably occur only if some pricing (discounting) pressures develop next season at the manufacturers' level.

Non-Ag Business. It can be appreciated that, in a business with margins as sensitive to the winds of economic change as Monsanto's, results in 1977 will be very deeply shaped by the slope of the real GNP curve going into next year. And there have seldom been wider divisions among forecasters as to the implications of the several "scenarios" for chemical output. DuPont, for example, is projecting back-to-back increases of 12% in the industry's production for 1976 and 1977. In our view, a gain on the order of 13% this year will be followed by one of possibly 5% in 1977, in consonance with the H. C. Wainwright economic construct.

The slowing in prospective chemical output has at least two major implications for companies such as Monsanto. First, there will be a marked reduction in the favorable volume leverage that is bolstering current margins. Secondly, with an increasing number of expansion projects (initiated on the heels of the 1973-1974 surge in profits) coming on stream, a gain of only, say, 5% in output would fall somewhat short of "filling" the industry's increment to productive capacity, and operating rates could actually decline slightly from the low 80's projected for 1976. This in turn would inhibit the rate at which inflating operating costs can be matched by price increases. In sum, the projected conditions would point to a mild contraction in margins in 1977 and only a modest increase in chemical profits. (In contrast, under a DuPont-type economic environment, shortages would probably begin to reappear in some sectors by the second half of next year, prices would undoubtedly reflect such a prospect, and earnings would continue the 1976 renaissance.)

There is little reason to believe that in its non-farm-chemical activities, Monsanto would follow a pattern substantially different from that sketched above for the industry. In 1976, for example, there should be a reasonably close (non-ag) correspondence between the company and its industry in both physical volume (+15% for Monsanto, vs. +13% for the industry) and selling prices (+7% for the company, +6%-7% for the industry), though because of its high operating leverage, Monsanto's projected total earnings gain of 37% is about one-third greater than that forecast for all of the twelve major chemical companies in the H. C. Wainwright coverage. Based on our industry view for 1977, therefore, Monsanto could be expected to produce non-ag results not much higher than the \$7.45 per share now estimated for 1976. Giving effect to the very broad band of both economic and internal operating variability affecting results this far ahead, it obviously makes better sense to apply a range to possible earnings. In this case, \$6.50-\$8.25 per share seems reasonable, though the "sensitivity" factor should be borne in mind: each 1% by which selling prices fluctuate from a given estimate affects the bottom line by more than 604 per share.

Looking at both the Agricultural Company and other product segments together, then, it seems possible that overall 1977 earnings could fall in the range of \$10.50 to \$13.25 per share.

The Wall Street Transcript May 24, 1976 Page 43,789

In a Special Report from H. C. Wainwright & Co., W.D. Williams writes that he has increased his full year 1976 estimate for MONSANTO COMPANY (\$92) from \$10.00 per share (primary) to \$11.80, due to greater strength in the plastics and fibers area than was previously anticipated. The new projection continues to allow for a sloughing off in the rate of sales and earnings improvement in the second half. In 1975, EPS were \$8.63. However, the Monsanto Agricultural Products Company seems likely, in the analyst's opinion, to show a decline in both sales and earnings in the second quarter and fairly flat results in the seasonally less significant second half. Overall ag earnings should drop at least modestly and perhaps by as much as 30c-40c per share from the record \$1.12 earned in this sector in 1975's second quarter, when fertilizer profits were optimum and herbicides reflected a normal volume of late-season deliveries.

Mr. Williams believes it is possible that 1977 EPS could fall in the \$10.50-13.25 range, with the most potent influence on company results being the trend and level of economic activity and its impact on the not ag sectors of the business. However, the analyst cautions that a possible industrywide carryover of herbicide inventories at the distributor/dealer level could lead to unaccustomed competitive pressures on this major source of Monsanto's earnings. Depending on the set of assumptions used, Monsanto's earnings. Depending on the set of assumptions used, Monsanto's earnings. Depending on the set of assumptions used, Monsanto's earnings. Depending on the set of assumptions used, Monsanto's earnings. Depending on the set of sumptions used, Monsanto's earnings. Depending on the set of sumptions used, Monsanto's earnings. Depending on the set of sumptions used, Monsanto's earnings. Depending on the set of sumptions used, Monsanto's earnings. Depending on the set of sumptions used, Monsanto's earnings. Depending on the set of sumptions used, Monsanto's earnings.

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